

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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In re:	§	
	§	Chapter 11
	§	
EPIC COMPANIES, LLC,	§	Case No. 19-34752 (DRJ)
	§	
Debtors. <sup>1</sup>	§	(Jointly Administered)
	§	

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**STIPULATION AND AGREED ORDER  
RESOLVING LIQUIDATING TRUSTEE'S OBJECTION  
TO CLAIM NO. 229 FILED BY RTD QUALITY SERVICES NIGERIA LTD.**

[Relates to Docket Nos. 808, 831, 833, 849, 850, and 867]

Jeffrey T. Varsalone, in his capacity as the Liquidating Trustee for the Epic Companies, LLC Trust and RTD Quality Services Nigeria Ltd. (the “Claimant,” and collectively with the Liquidating Trustee, the “Parties”) hereby stipulate and agree as follows:

WHEREAS, on August 26, 2019, Epic Companies, LLC (“Epic”) and certain of its subsidiaries (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Court”).

WHEREAS, on October 3, 2019, the Court entered the *Order (I) Setting Bar Dates for Filing Proofs of Claim, including Requests for Payment under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the Form of and Manner for Filing Proofs of Claim, Including Section 503(b)(9) Requests, and (IV) Approving*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Epic Companies, LLC (1473), Epic Diving & Marine Services, LLC (2501), Epic Applied Technologies, LLC (5844), Epic Specialty Services, LLC (8547), Epic Alabama Steel, LLC (6835), Epic San Francisco Shipyard, LLC (5763) and Zuma Rock Energy Services, LLC (1022). The address of the Debtors’ headquarters is: P.O. Box 79625, Houston, Texas 77279-9625.

*Notice of Bar Dates* [Docket No. 226], which established November 6, 2019 as the general claims bar date and February 24, 2020 as the governmental bar date.

WHEREAS, on November 5, 2019, the Claimant filed Claim No. 229 (the “Claim”) against Epic asserting an unsecured claim in the amount of \$1,088,499.70.

WHEREAS, on February 13, 2020, the Debtors filed the *Joint Plan of Liquidating of Epic Companies, LLC and its Debtor Subsidiaries under Chapter 11 of the Bankruptcy Code* [Docket No. 581] (the “Plan”).

WHEREAS, on April 8, 2020, the Court confirmed the Plan.

WHEREAS, on April 13, 2020, the Effective Date of the Plan occurred.

WHEREAS, under the Plan, the Liquidating Trustee was appointed and is vested with, among other things, the authority and duty to resolve the claims against the Debtors.

WHEREAS, on April 19, 2021, the Liquidating Trustee filed his *Objection to Claim No. 229 Filed by RTD Quality Services Nigeria Ltd.* [Docket No. 808] (the “Objection”).<sup>2</sup>

WHEREAS, on May 19, 2021 the Claimant filed its *Response to Liquidating Trustee’s Objection to Claim* [Docket No. 831].

WHEREAS, on June 18, 2021, the Liquidating Trustee filed the *Reply in Support of Liquidating Trustee’s Objection to Claim No. 229 Filed by RTD Quality Services Nigeria Ltd.* [Docket No. 867].

WHEREAS, the Parties agree that to resolve the Objection, the Claimant agrees that the Claim shall be disallowed and the Parties agree to mutual releases.

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Objection.

**Accordingly, it is hereby STIPULATED, AGREED, and ORDERED that:**

1. The Claim is disallowed in its entirety.
2. The Liquidating Trustee on behalf of himself, the Debtors, and the Debtors' estates, hereby releases the Claimant from any and all claims and liabilities of any kind or nature whatsoever based upon any facts, circumstances or matters occurring at or prior to the date of this Stipulation and Agreed Order.
3. The Claimant hereby releases the Liquidating Trustee, the Debtors, and the Debtors' estates from any and all claims and liabilities of any kind or nature whatsoever based upon any facts, circumstances or matters occurring at or prior to the date of this Stipulation and Agreed Order. This release is limited to Debtors' estates and in no way shall be construed as release, waiver, or relinquishment of any kind of Claimant's claims against any non-Debtor entities.
4. The terms and conditions of this Stipulation and Agreed Order will be immediately effective and enforceable upon its entry.
5. This Stipulation and Agreed Order constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior discussions, agreements, and understandings, both written and oral, among the Parties with respect thereto.
6. This Stipulation and Agreed Order shall be binding upon the Parties' successors, agents, assigns, including bankruptcy trustees and estate representatives, and any parent, subsidiary, or affiliated entity of the Parties, except to the extent that this Stipulation and Agreed Order does not constitute a release, waiver, or relinquishment of Claimant's claims as described in more detail in Paragraph 3 above.

7. The undersigned represent that they are authorized to execute this Stipulation and Agreed Order on behalf of the representative party for whom they have signed.

8. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Agreed Order, and the Parties hereby consent to such jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation and Agreed Order.

**STIPULATED AND AGREED TO BY:**

<b>PORTER HEDGES LLP</b> By: <u>/s/ M. Shane Johnson</u> John F. Higgins (TX 09597500) Eric M. English (TX 24062714) M. Shane Johnson (TX 24083263) 1000 Main Street, 36th Floor Houston, Texas 77002 Telephone: (713) 226-6000 Fax: (713) 226-6248	<b>BISSINGER, OSHMAN &amp; WILLIAMS LLP</b> By: <u>/s/ David K. Bissinger</u> David K. Bissinger Attorney-in-Charge Texas State Bar No. 00790311 Federal ID No. 18150 Email: dbissinger@bowllp.com 2229 San Felipe, Suite 1500 Houston, Texas 77019 Telephone: (713) 524-8811 Fax: (713) 583-8347
<b>COUNSEL FOR LIQUIDATING TRUSTEE</b>	<b>COUNSEL FOR RTD QUALITY SERVICES NIGERIA LTD.</b>

**IT IS SO ORDERED.**

Signed: \_\_\_\_\_, 2021

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**Honorable David R. Jones**  
**Chief United States Bankruptcy Judge**